

OPENING STATEMENT
SENATOR DANIEL K. INOUE
VICE CHAIRMAN
COMMITTEE ON INDIAN AFFAIRS
BEFORE THE
JOINT HEARING
OF THE
COMMITTEE ON INDIAN AFFAIRS
AND THE
SUBCOMMITTEE ON WATER AND POWER
OF THE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
ON
S. 1771, THE COLORADO UTE SETTLEMENT ACT
AMENDMENTS OF 1998

JUNE 24, 1998

I AM PLEASED TO JOIN CHAIRMAN CAMPBELL AND CHAIRMAN KYL AND THE MEMBERS OF THE COMMITTEE ON INDIAN AFFAIRS AND THE SUBCOMMITTEE ON WATER AND POWER IN WELCOMING THE WITNESSES WHO WILL TESTIFY TODAY ON S. 1771.

HOWEVER, I FEEL COMPELLED TO STATE AT THE OUTSET OF THIS HEARING MY PERSONAL DISAPPOINTMENT THAT NOTWITHSTANDING TWO ACTS OF THE CONGRESS — ONE WHICH WAS EXCLUSIVELY INTENDED TO ADDRESS THE WATER RIGHTS OF THE TWO COLORADO UTE TRIBES — THE ADMINISTRATION HAS TAKEN A POSITION IN STRONG OPPOSITION TO THIS MEASURE.

SOME OF THE PARTIES WE HAVE BEFORE US TODAY WILL REMEMBER THAT I SERVED AS CHAIRMAN OF THIS COMMITTEE IN 1988 WHEN WE PASSED THE COLORADO UTE WATER RIGHTS SETTLEMENT. IT WAS NOT AN EASY PROCESS.

THERE WERE MANY CONTENTIOUS ISSUES, AND THE MEMBERS OF THE TWO COMMITTEES WHO CONVENE THIS HEARING TODAY FOUND THEMSELVES IN SERIOUS DISAGREEMENT OVER SOME FUNDAMENTAL PRINCIPLES OF FEDERAL-INDIAN LAW. BUT ULTIMATELY, WE AGREED TO RECONCILE OUR DIFFERENCES BECAUSE WE RECOGNIZED WHAT WAS AT STAKE FOR THESE TWO TRIBES.

NOW, AFTER A LONG AND SOMETIMES LABORIOUS PROCESS, LED BY GOVERNOR ROMER, AT ALMOST THE ELEVENTH HOUR BEFORE THIS HEARING, THE ADMINISTRATION ADVISES US THAT THEY CANNOT SUPPORT THIS BILL,

AND ASK THE PARTIES TO START ALL OVER AGAIN. I HAVE TO ASK THE OBVIOUS — WHY WASN'T THE ADMINISTRATION PROVIDING THE PARTIES WITH IT'S VIEWS AND CONCERNS LONG BEFORE TODAY?

THE PREPARED TESTIMONY ACKNOWLEDGES AND COMMENDS THE PROCESS LED BY GOVERNOR ROMER — SO SURELY, IT CANNOT BE A LACK OF AWARENESS ON THE PART OF THE ADMINISTRATION THAT THE PARTIES WERE TRYING TO EXPLORE OTHER ALTERNATIVES TO THE ORIGINAL FORMULATION.

WHY ARE WE NOW TOLD THAT THE PARTIES MUST NOW INITIATE YET ANOTHER SEARCH FOR A NEW SOLUTION THAT SHOULD NOT BE LIMITED TO A SINGLE ALTERNATIVE?

AS FAR AS I AM CONCERNED, THE CHANGES TO THE ORIGINAL PROJECT PROPOSED BY THIS MEASURE HAVE BEEN MADE IN A DILIGENT, GOOD FAITH EFFORT TO ADDRESS LEGITIMATE ISSUES AND QUESTIONS ARISING OUT OF THE ORIGINAL SETTLEMENT.

WITH THESE CHANGES, WE WERE HOPING THAT THE COMMITMENTS MADE BY THE UNITED STATES TO THE UTE MOUNTAIN AND SOUTHERN UTE TRIBES A DECADE AGO COULD FINALLY BE FULFILLED.

IF THE PARTIES ARE WILLING TO BEGIN AGAIN — AND I FOR ONE, WOULD UNDERSTAND IF THEY WERE RELUCTANT TO DO SO — I WOULD URGE THE ADMINISTRATION, IN THE STRONGEST POSSIBLE TERMS, TO WORK WITH THE PARTIES TO ACHIEVE A FORMULATION THAT WILL ENJOY THE SUPPORT OF THE ADMINISTRATION.

I BELIEVE OUR TRUST RESPONSIBILITY TO THE INDIAN NATIONS DEMANDS AND REQUIRES NO LESS.

IN THE INTERIM, I WANT TO COMMEND SENATOR CAMPBELL, GOVERNOR ROMER, THE UTE TRIBES AND THE OTHER PARTIES WHO HAVE WORKED LONG AND HARD TO ACHIEVE A BROAD-BASED CONSENSUS ON AN ALTERNATIVE TO THE ORIGINAL SETTLEMENT.

I WANT TO ASSURE ALL OF THE PARTIES THAT I REMAIN COMMITTED TO THE PROCESS OF ACHIEVING A FAIR, WORKABLE, AND FINAL SETTLEMENT OF THE WATER RIGHTS CLAIMS OF THE UTE MOUNTAIN AND SOUTHERN UTE TRIBES OF COLORADO.

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JOINT HEARING
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SUBCOMMITTEE ON WATER AND POWER
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COMMITTEE ON ENERGY AND NATURAL RESOURCES
ON S. 1899, THE CHIPPEWA CREE TRIBE
OF THE ROCKY BOY'S RESERVATION
INDIAN RESERVED WATER RIGHTS SETTLEMENT ACT OF 1998

IT IS A PLEASURE TO JOIN CHAIRMAN CAMPBELL AND CHAIRMAN KYL IN WELCOMING THE WITNESSES WHO WILL TESTIFY THIS AFTERNOON ON S. 1899.

THIS LEGISLATION WOULD RATIFY A WATER RIGHTS COMPACT ENTERED INTO BY THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION AND THE STATE OF MONTANA.

IT WOULD ALSO AUTHORIZE THE FEDERAL ACTIONS AND APPROPRIATIONS NEEDED TO IMPLEMENT THE COMPACT AND OTHERWISE PROVIDE FOR THE FINAL SETTLEMENT OF THE TRIBE'S CLAIMS TO WATER.

ENACTMENT OF S. 1899 WOULD BE A MAJOR STEP IN A NEARLY 100 YEAR-LONG QUEST BY THE TRIBE AND THE UNITED STATES TO SECURE A RESERVATION WITH LAND AND WATER SUFFICIENT TO SUSTAIN THE TRIBE AND ITS CITIZENS, AS WELL AS OTHER RESIDENTS OF THE RESERVATION, WELL INTO THE FUTURE.

THE TRIBE, THE MONTANA RESERVED WATER RIGHTS COMPACT COMMISSION, AND THE INTERIOR DEPARTMENT DESERVE CREDIT FOR THEIR COMMITMENT AND THEIR EFFORTS TO ACHIEVE THIS SETTLEMENT.

I UNDERSTAND THAT ALL PARTIES TO THE SETTLEMENT, AS WELL AS THE MEMBERS OF THE MONTANA CONGRESSIONAL DELEGATION, ARE IN STRONG SUPPORT OF THE SETTLEMENT AND S. 1899.

WITH THAT SUPPORT, I WOULD HOPE THAT WE WILL BE ABLE TO SECURE ENACTMENT OF THIS LEGISLATION IN THIS SESSION OF THE CONGRESS, AND I PLEDGE TO YOU MY BEST EFFORTS IN ACHIEVING THAT OBJECTIVE.